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Examiner: Klet M. DOAN  
Group Art Unit: 2683

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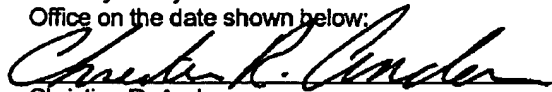
**FORMAL SUBMISSION OF:**

- 1) Petition Under 37 C.F.R. §  
1.181.

Title: METHOD FOR PROVIDING A CURRENT LOCATION OF A WIRELESS  
COMMUNICATION DEVICE  
Serial No. 10/032,355  
Filing Date: December 21, 2001  
First Named Inventor: Rajamni GANESH  
Atty. No. 01-4067

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In re the Application of: <b>Rajamani Ganesh</b>	Customer No.: <b>32127</b>
Serial Number: <b>10/032,355</b>	Group Art Unit: <b>2683</b>
Filed: <b>21 December 2001</b>	Examiner: <b>Doan, Kiet M.</b>
Title: <b>"Method For Providing A Current Location Of A Wireless Communication Device"</b>	Attorney Docket No: <b>01-4067</b>

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. § 1.181**

Sir:

Pursuant to 37 CFR § 1.181, Applicant hereby petitions the Commissioner to exercise his supervisory authority, pursuant to 37 CFR § 1.181(a)(3), to direct the Examiner to enter the proposed amendments presented in an Amendment After Final Office Action so as to place the application in condition for allowance or in better form for appeal.

This petition contains a statement of the facts involved and the point or points to be reviewed. In addition, a copy of the Advisory Action is appended hereto in an Appendix A beginning on page 7 of this petition, and copy of the proposed amendments to the claims, as submitted in the Amendment After Final Office Action, is appended hereto in an Appendix B beginning on page 9 of this petition.

As set forth in more detail below, all proposed amendments to the claims in the Amendment After Final Office Action are of two types. One type merely implements the Examiner's suggestion, and

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the other merely incorporates limitations from dependent claims into the base claims from which the dependent claims depended. As such, the Amendment After Final does not raise new issues/matter that require further consideration and/or search, and the Amendment After Final should be entered.

Applicant filed an Amendment After Final Office Action on 22 April 2005. In response to the Amendment After Final Office Action, an Advisory Action mailed 13 May 2005 (a copy of which is provided in Appendix A), indicates that the proposed amendment will not be entered because it allegedly raises new issues that would require further consideration and/or search.

The Manual of Patent Examining Procedure (MPEP), section 714.13, sets forth guidelines for the procedure to be followed in response to an Amendment After Final Rejection or Action. The MPEP, section 714.13, stipulates that if a proposed amendment presents new issues requiring further consideration and/or search, the examiner should provide an explanation as to the reasons why the proposed amendment raises new issues that would require further consideration and/or search. Unfortunately, the 13 May 2005 Advisory Action fails to provide any explanation as to why the proposed amendment raises new issues/matter that would require further consideration and/or search.

However, as discussed in detail below, Applicant respectfully disagrees with the Examiner's assessment of the proposed amendment. In particular, Applicant believes that the proposed amendment fails to raise new issues/matter that require further consideration because the subject matter of the proposed amendments was set forth and examined in connection with previously presented claims. A listing of the claims showing the proposed amendments submitted in the 22 April 2005 Amendment After Final Office Action, are provided in Appendix B for review.

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Applicant originally submitted claims 1-23. In a first Office Action dated 9 July 2004, claims 1-23 were rejected. In response to the 9 July 2004 first Office Action, Applicant submitted an Amendment on 8 October 2004. The Amendment canceled claims 6, 16-17, 19, and 21-23, amended claims 1, 7, 9, and 18, added claims 24-31, and retained claims 2-5, 8, 10-15, and 20. In particular, claim 1 was amended to include the limitations of claim 6. Consequently, claim 6 was canceled and claim 7 was amended to correct its dependency in response to the cancellation of claim 6. In addition, claim 9 was amended to correct a term that was lacking antecedent basis. Independent claim 18 was amended to include the limitations of claim 19. Consequently claim 19 was canceled. Claims 24-31 were added to more clearly point out and distinctly claim that which Applicant believed to be the invention.

In Response to the 8 October 2004 first Amendment, a Final Office Action mailed 24 February 2005 acknowledged the cancellation of claims 6, 16-17, 19, and 21-23, acknowledged the addition of claims 25-31, and implicitly acknowledged the addition of claim 24 (on the Office Action Summary page as well as in connection with Claim Objections and Claim Rejections in the detailed action). The Final Office Action subsequently rejected all claims, i.e., claims 1-5, 7-15, 18, 20, and 24-31, setting forth new grounds of rejection.

In response to the Final Office Action, Applicant filed an Amendment After Final Office Action on 22 April 2005 to adopt Examiner suggestions and to place the application in condition for allowance or to remove issues for appeal. The proposed Amendment After Final Office Action cancels claims 7, 9, 18, and 20, amends claims 1-5, 8, 10-15, 24, and 26-31, and retains claim 25 as previously presented.

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Claims 2-5, 7-15, 20, 24, and 26-31 were objected to in the Final Office Action because of an alleged informality. In particular, the Final Office Action indicated that the phrase "A method" should be changed to "The method." The Examiner's suggestions were adopted in the Amendment After Office Final Office action by replacing the phrase "A method" to "The method" in each of claims 2-5, 8, 10-15, and 26-31. Since the proposed Amendment After Final Office Action cancels claims 7, 9, and 20 and amends claim 24 to independent form, the objection to claims 7, 9, 20, and 24 becomes moot. Accordingly, the proposed claim amendments overcome the objection to claims 2-5, 7-15, 20, 24, and 26-31 set forth in the Final Office Action.

The proposed Amendment After Final Action amends claim 1 to include the limitations of dependent claim 7, which formerly depended from claim 1, and dependent claim 9, which formerly depended from claim 7. Consequently, claims 7 and 9 were to be canceled. The claim limitation presented in amended independent claim 1 of "said predicting operation including determining said potential location area in response to wireless communication between said wireless communication device and a transceiver site of said wireless communication network" was formerly recited in dependent claim 7. Similarly, the limitations presented in amended independent claim 1 of "a service provider maintains a comprehensive call history database of said wireless communication network, said comprehensive call history database including call records of past calls in which said wireless communication device participated" and "ascertaining said potential location area from said comprehensive call history database" were formerly recited in dependent claim 9.

Since the proposed amendment to claim 1 merely incorporates subject matter formerly recited in dependent claims 7 and 9, the

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proposed amendment fails to raise new issues that require further consideration and/or search.

The proposed Amendment After Final Action amends claim 8, which depends from claim 7, to correct its dependency in response to the cancellation of claim 7. That is, claim 8 is amended to depend from claim 1. The proposed amendment to claim 8 further includes amending claim 8 to include the limitations of previously presented claim 30. In particular, the limitations presented in the proposed amendment to claim 8 recite the determining operation "determines from said comprehensive call history database a coverage area in which said wireless communication device was last used as found in said call records, said coverage area being said potential location area" as similarly recited in previously presented claim 30.

Since the proposed amendment to claim 8 merely incorporates subject matter recited in previously presented claim 30, the proposed amendment fails to raise new issues that require further consideration and/or search.

The proposed Amendment After Final Action amends claim 24 to independent form to include all limitations of claim 1, as presented in the 8 October 2004 Amendment. Since the proposed amendment to claim 24 merely incorporates subject matter formerly recited in independent claim 1, the proposed amendment fails to raise new issues that require further consideration and/or search.

As evidenced by the above, the proposed amendments to the claims in the Amendment After Final Office Action are of two types. One type merely implements the Examiner's suggestion, and the other merely incorporates limitations from dependent claims into the base claims from which the dependent claims depended.


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As such, the Amendment does not raise new issues/matter that require further consideration and/or search. Consequently, Applicant respectfully requests that this Petition be granted, and entry of the proposed Amendment After Final Office Action be allowed.

No fee is required for a petition under 37 CFR § 1.181. Consequently, no petition fee is included herewith. However, should a fee become necessary, the fee should be charged to Patent Office deposit account number 07-2347.

Respectfully submitted,

Date: May 26, 2005

  
\_\_\_\_\_  
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## APPENDIX A

This Appendix contains a copy of the 13 May 2005 Advisory  
Action.



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<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No. 10/032,355	Applicant(s) GANESH, RAJAMANI
	Examiner Kiel Doan	Art Unit 2683

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

THE REPLY FILED 22 April 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 702.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:

(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ They raise the issue of new matter (see NOTE below);

(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: Raise new issues/matter, need further search. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none

Claim(s) objected to: none

Claim(s) rejected: 1-5, 8, 10-15 and 24-31

Claim(s) withdrawn from consideration: none

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered, because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(a).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

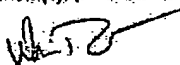
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

12. ☐ Note the attached Information Disclosure Statement(s), (PTO/SB/08 or PTO-1449) Paper No(s): \_\_\_\_\_

13. ☐ Other: \_\_\_\_\_

  
 WILLIAM TROST  
 SUPERVISORY PATENT EXAMINER  
 TECHNOLOGY CENTER 2600

993

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## APPENDIX B

This Appendix contains a listing of the claims showing the proposed amendments submitted in the 22 April 2005 Amendment After Final Office Action. The listing of claims was intended to replace all prior versions, and listings, of claims in the application.

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**LISTING OF CLAIMS:**

1. (Currently Amended) A method for providing a current location of a wireless communication device in a wireless communication network, wherein a service provider maintains a comprehensive call history database of said wireless communication network, said comprehensive call history database including call records of past calls in which said wireless communication device participated, and said method comprising:

receiving a request for said current location from a requesting party;

verifying that said requesting party is an authorized party;

when said requesting party is said authorized party, activating a location determination process to determine said current location of said wireless communication device, said activating operation including;

predicting a potential location area of said wireless communication device, said predicting operation including determining said potential location area in response to wireless communication between said wireless communication device and a transceiver site of said wireless communication network by ascertaining said potential location area from said comprehensive call history database; and

initiating said location determination process in said potential location area; and

supplying an indicator of said current location to said requesting party.

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2. (Currently Amended) ~~A method~~ The method as claimed in claim 1 further comprising establishing, prior to said receiving operation, a user profile for said wireless communication device, said user profile containing an identifier for said authorized party.

3. (Currently Amended) ~~A method~~ The method as claimed in claim 2 wherein said verifying operation comprises matching a requesting party identifier of said requesting party with said identifier of said authorized party.

4. (Currently Amended) ~~A method~~ The method as claimed in claim 1 further comprising detecting, prior to said receiving operation, a log-in attempt at a web page of a service provider of said wireless communication network, said request being received via said web page following successful completion of said log-in attempt.

5. (Currently Amended) ~~A method~~ The method as claimed in claim 1 wherein said request includes a dialing number of said wireless communication device.

Claims 6-7 (Canceled).

8. (Currently Amended) ~~A method~~ The method as claimed in ~~claim 7~~ claim 1 wherein said determining operation ~~comprises~~ ascertaining determines from said comprehensive call history database a coverage area in which said wireless communication device ~~is currently located~~ was last used as found in said call records, said coverage area being said potential location area.

Claim 9 (Canceled).

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10. (Currently Amended) ~~A method~~ The method as claimed in claim 1 wherein said current location is identified by a latitude and a longitude.

11. (Currently Amended) ~~A method~~ The method as claimed in claim 10 further comprising translating said latitude and said longitude into said indicator of said current location.

12. (Currently Amended) ~~A method~~ The method as claimed in claim 1 wherein said supplying operation comprises displaying said indicator of said current location on a map of a geographical area in which said wireless communication device is positioned.

13. (Currently Amended) ~~A method~~ The method as claimed in claim 1 wherein said supplying operation comprises providing said indicator of said current location via a web page.

14. (Currently Amended) ~~A method~~ The method as claimed in claim 1 wherein said supplying operation includes presenting a time at which said wireless communication device is at said current location.

15. (Currently Amended) ~~A method~~ The method as claimed in claim 1 further comprising periodically repeating said activating and supplying operations to track a movement of said wireless communication device.

Claims 16-23 (Canceled).

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24. (Currently amended) ~~A method as claimed in claim 1~~  
~~wherein said predicting operation is~~ A method for providing a  
current location of a wireless communication device in a wireless  
communication network comprising:

receiving a request for said current location from a  
requesting party;

verifying that said requesting party is an authorized party;  
when said requesting party is said authorized party,  
activating a location determination process to determine said  
current location of said wireless communication device, said  
activating operation including predicting a potential location  
area of said wireless communication device, said predicting  
operation being performed irrespective of a current registration  
of said wireless communication device in said wireless  
communication network, and initiating said location determination  
process in said potential location area; and

supplying an indicator of said current location to said  
requesting party.